OIPE JC143
AUG 15 2005
PATENT & TRADEMARK OFFICE

DAC
ZHW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Eugene Parets *et al.*

Serial No.:10/758,337 Group Art Unit: 3754

Filed: January 15, 2004 Examiner: Not yet assigned

Title: *SYSTEM FOR BATCHING PRODUCT PORTIONS*

Docket No.: 16-336

WATTS HOFFMANN CO., L.P.A.
1100 Superior Ave., Suite 1750
Cleveland, Ohio 44114-2518
Phone: 216/241-6700
Facsimile: 216/241-8151

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited today with the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on 11 August 2005.
By: Mary B. Cutaia

PETITION TO ACCEPT A DELAYED CLAIM FOR PRIORITY UNDER 35 U.S.C. § 119

Applicant hereby petitions, in accordance with 37 C.F.R. §§ 1.78(a)(6), 1.55(c) to claim the benefit, for this application under 35 U.S.C. § 119(e) of a prior copending provisional application no. 60/440,603 with a filing date of January 16, 2003.

08/16/2005 TBESHAH1 00000046 230630 10758337
01 FC:1454 1370.00 DA

The PTO did not receive the following listed item(s) a check for $1370

The present nonprovisional application was filed within one year of the filing date of provisional application 60/440,603 from which priority is being claimed. An amendment to the nonprovisional application stating a claim of priority from provisional application 60/440,603 is being filed with the assigned examiner concurrently with this petition.

Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(5) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

The a check in the amount of $1,370.00 for the surcharge fee set forth in 37 C.F.R. § 1.17(t) as required by 37 C.F.R. § 1.78(a)(6) is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 23-0630 for additional fees required under 37 C.F.R. §§ 1.16, 1.17; particularly extension of time fees.

George L. Pinchak
Reg. No. 37,697

Date: 8/11/05

WATTS HOFFMANN CO., L.P.A.
1100 Superior Ave., Suite 1750
Cleveland, Ohio 44114-2518
Phone: 216/241-6700
Facsimile: 216/241-8151